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## PRE-PROOF

### ‘Greece as “transit country”: the role of law and policy’

(Forthcoming 2019, Special Issue, A. Missbach & M. Phillips (eds), ‘Transit countries: challenges, pressures and compromises’, *Journal of Ethnic and Migration Studies*)

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#### Abstract

Greece is widely known as a “transit country”. It provides a particularly interesting case study with its eventful past and changing status for migrants and refugees. It has been both a source of large-scale emigration in the past and a destination country for immigrants in the 1980s and 1990s from Africa and Central and Eastern European states. More recently, in the 2000s, increasing numbers of Afghans reaching Greece, together with changes to Spanish and Italian migration policies and their implementation of agreements with African countries, have resulted in an adjustment to irregular migration routes towards Greece by both economic migrants and asylum seekers. Many new arrivals moved through Greece to other countries of Europe, but many have remained. After 2014, when thousands of people fleeing the consequences of war and conflict crossed the Eastern Mediterranean, it became evident that few intended to stay in Greece. This article explores the role of law and policy in creating a transit environment in Greece and, using case studies, discusses two different forms of transit migration, which have been termed “interrupted” and “uninterrupted” transit. It concludes with an analysis of the transformation of Greece from a country of transit to one of “warehousing” and “containment”.

Key terms: Greece; transit; migration; refugees; asylum; law

#### Introduction

“Greece has always viewed itself as a transit country and discouraged local integration” (Stavropoulou 1994, 54).<sup>1</sup> With these words in an article on refugee law in 1994, Maria Stavropoulou, the future Director of the Greek Asylum Service, identified Greece as a “transit country”. Yet, it was some time before Greek officials and ministers openly labelled Greece as such. One of the earliest examples of such “self-labelling” is the confirmation in 2007 by the Greek Ombudsman, Giorgios Kaminis, to the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament when he stated that “Greece is considered as a transit country by many arrivals” (European Parliament Committee on Civil Liberties, Justice and

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<sup>1</sup> Stavropoulou completed her six-year term as Director of the Greek Asylum Service on 3 February 2018. She wrote this while working for the UNHCR in Greece.

Home Affairs 2007, 6). Former Interior Minister and current President, Prokopis Pavlopoulos, confirmed such views in an article for *The Guardian* newspaper in 2009: “With some 15,000 illegal immigrants arriving in Greece in 2008, as the main transit country for Asian and African immigrants, the economic, social and humanitarian problems of this massive surge are obvious.” Since then, much has been written, analysed and spoken about transit migration through Greece and it has grown to be part of the migration lexicon about the country (see further, Dimitriadi 2018; Papadopoulou-Kourkoula 2008).

To label Greece a “transit country” is, at its simplest, to present a picture of a territory through which people pass. Pavlopoulos appears to have employed the term in this straightforward way to imply that many people were using Greece as an entry point to the rest of Europe. In the case of Greece, this idea of passage is not especially contentious. The graphic media footage of desperate people moving through Europe that filled broadsheets and television screens across the world in 2015 and 2016 was the most visual confirmation that Greece was a country traversed by migrants and refugees on their way to other European destinations. Many of the images captured those attempting to cross near Idomeni from Greece to the former Yugoslav Republic of Macedonia (FYROM), from Turkey to mainland Greece across the dangerous Evros River or via the Eastern Mediterranean to the islands of Lesbos, Samos, Chios and Kos and then onwards to Athens, the FYROM border and beyond. Certainly, at that time, it was very evident that few wished to remain in Greece.

“Transit state/country”, “transit migrant” and “transit migration” have become terms of art in the migration/asylum fields, though they remain heavily contested in the academic literature, as outlined in the introduction to this collection. In their 2014 book, Düvell, Molodikova and Collyer, described “transit migration” as assuming an intentionality to migrate – and, at that time, an intention to migrate to Europe. Dimitriadi notes that recent usage of “transit” has been “to define three separate and yet intrinsically linked elements: the process itself (transit migration), the political position of states in the migratory journey (transit states vs destinations) and the individual (transit migrant)” (Dimitriadi 2015b, 341). Kimball, in her widely-cited working paper, spoke of introducing a new concept – “the transit state” – that resides “at the crossroads of the first and third worlds” (Kimball 2007, 1). She specified four key elements of the transit state: geography – a border with a fully developed country; migration flow – high emigration, low immigration and increasing transit migration; function – must serve as a primary staging ground for migrants to plan clandestine entrance to heavily guarded destination countries; and state response – implementation of restrictive immigration

policies and activities (Kimball 2007, 12, Table 1). Three points can be made about the application of Kimball's typology to Greece: first, Greece would likely consider itself more developed than some of its neighbours (though in 2013 some financial service companies reclassified it as an emerging market because of its financial crisis (Stoukas and El Madany 2013)); second, the expression transit state or country was already in circulation in the EU and, as such, is not entirely new, though its interpretation appears to have differed from that provided by Kimball; and third, "implementation of restrictive immigration policies and activities" fails to describe the complexity of the Greek case.

Many factors, drivers and actors influence migration governance within states, as is true of the situation in Greece in relation to transit migration. This article explores certain aspects of the ascription of "transit country" to Greece. The aim here is to examine the role of law and policy within a historical context to assess how and why conditions arose under which people arrived in Greece and then decided to move on. In addition, some consideration is given to the economic circumstances in Greece, as they have been extremely influential in helping to carve out a space where onward migration is – or, at least, has been until recently – an option for many. Several commentators have addressed Greece's migration history, as well as its immigration and asylum laws, but there is arguably less discussion in the literature of the interrelationship between history, law, policy and economics in the identification of Greece as a country of transit. Drawing on empirical studies, the article shows that Greece has experienced two quite different forms of transit migration, which are termed "interrupted transit" and "uninterrupted transit", and that these have arisen largely as a consequence of law and policy and their interpretation and practice in Greece and of changing economic conditions.

### **Multiple migrations, multiple labels**

Despite the tendency of politicians and the media to describe Greece as a "transit country", this overview highlights that Greece has experienced multiple dimensions of migration over the decades and has many standout migration periods (Kasimis 2013; Cavounidis 2002; Lazaridis 1996). At certain points in its history, Greece could be described equally as a "country of emigration", a "destination country", a "country of immigration", or, more recently, a "containment country" alongside "transit country".<sup>2</sup> There are also times when more than one

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<sup>2</sup> Containment as used here has two meanings. On the one hand, it refers to the physical holding of people in space such that their movement options are constrained – for example, in detention centres or in "hotspots"; on the other, it refers to the drive to prevent the movement of peoples through deterrence, exclusion, physical barriers and bilateral agreements. Alternative terms for such containment are "warehousing" and Ghassan Hage's idea of "stuckedness" (Hage 2015, chapter 2).

migration label could be applied. Phases of inward migration, for example, when Greece was viewed as a destination country, can overlap with those of transit. As with the categorisation of migrants and refugees, and the concerns that have long been expressed about labelling people who choose to move (Crawley and Skleparis 2018; Zetter 1991, 2007, 2015), there is a comparable problem with labelling the migration status of a country. While a label can be considered helpful in describing a certain set of conditions at a point in time, it is inevitably reductive and incapable of expressing the variations and contradictions that are likely to be present, nor the many influences surrounding label construction and usage. With these caveats in mind, a brief overview of some key points in Greece's migration history are outlined here to help contextualise the development of its transit country status.

It is arguable that Greece is best known for being a country of emigration. Of particular note are two periods of large-scale emigration from the late 1800s to early 1900s, due to a failing economy, and then again from the mid-1950s to early 1970s, as Greeks departed to seek employment. The impact of the 2008 financial crisis led, once more, to substantial numbers of Greeks leaving for central and northern Europe (Mavrodi and Moutselos 2016; Labrianidis and Pratsinakis 2016). Indeed, the numbers involved are not insignificant: 612,388 people emigrated between 2010 and 2015, of which 320,474 were Greek citizens (Eurostat 2017b). Irregular migration to Greece has also been on the rise for many years because of several recognised factors, including war and conflict, protracted displacement, human rights abuses, drought, poverty, reduced employment opportunities and, in the case of African migration flows, a shift towards Greece as Spain and Italy entered into stringent bilateral agreements with North African countries to reduce irregular movements.<sup>3</sup> There are many examples over time of inward migration, which has largely taken three forms in Greece: asylum seeker and refugee arrivals; migrant workers or immigrants; and return migration of Greeks, including those with ancestral links to Greece. The first two have direct relevance to transit migration.

It is reported that between 1987 and 1992 30,000 asylum seekers reached Greece from Poland, Iran and Iraq, Turkey, Sudan, Ethiopia, Somalia and Vietnam (Fakiolas and King 1996) and that, since then, Greece has continued to be a destination and crossing point for many Asians and Africans seeking asylum. The recent migration in 2015 and 2016, when almost 1,068,000 illegal border crossings were detected on the Eastern Mediterranean route via the Greek islands,

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<sup>3</sup> The term "irregular migration" is used in preference to "illegal migration".

is now well-known (Frontex 2018);<sup>4</sup> a significant proportion of these people, from Syria, Afghanistan, Iraq, Iran, Pakistan and Bangladesh, were asylum seekers and refugees. The second category – increased migration of foreign workers – occurred from Africa and Asia in the 1980s and then from Central and Eastern Europe from 1989 onwards (Fakiolas and King 1996). Albanians constituted by far the highest proportion of those reaching Greece in the 1990s and many have subsequently settled in Greece, despite entering illegally. In the 2011 census of resident population with foreign citizenship, over 480,000 were Albanians (52.7%) followed by almost 76,000 Bulgarians (8.3%), 46,500 Romanians (5.1%) and a range of other nationalities (Hellenic Statistical Authority 2014, Graph 7). The statistics are, however, affected by the significant circular migration that took place between Albania and Greece. Further, estimates of numbers entering irregularly are, of course, difficult to calculate, though expulsion data have been used to gain a sense of the scale of the issue. Baldwin-Edwards (2004b, Fig. 22), for example, has suggested that between 1991 and 2001, 2,245,000 aliens were removed without due legal process, whereas, according to Kasimis (2013), from about 1993 to 2013, Greece received over a million immigrants; Kasimis does not state the proportion of regular and irregular. The evidence clearly supports a description of Greece as a destination country for substantial numbers of people over the years.

That Greece is a popular destination for migrants and protection seekers does not, of course, determine that it is also a transit country, despite being a first country of arrival in the European Union for many. (Kasimis (2012) suggested that in 2010, 90% of all those apprehended for entering the EU without authorisation were apprehended in Greece.) While several practitioners and scholars describe Greece as a “transit country”, few have provided concrete data on why this is the case or how this has been determined. To reach such a conclusion, there must be empirically accurate data that establishes that an individual has departed from Greece or travelled through Greece. There are three main ways that transit can be ascertained: (i) an individual applies for asylum or is apprehended as an irregular entrant in another EU country and it is proved that he/she entered the EU via Greece; (ii) an individual is apprehended at sea or land attempting to leave Greece or having departed Greece; or (iii) data from scholarly research tracks an individual’s journey through Greece to a destination country. Taking the first method, the EU Dublin Regulation system, by which the Member State responsible for an asylum application is determined, affords some assistance. The EU provides statistics on the

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<sup>4</sup> It is very likely that the figures are much higher in view of the problems of registering arrivals on the islands and the usual caveat applies to the data on irregular crossings.

number of requests to Greece to take charge of asylum applications or take back asylum applicants. Though the figures are not especially high (for example, a maximum of 9,506 in 2009), they do reveal that these people travelled through or had some connection with the country under the Dublin rules (Eurostat 2017a). The second method – apprehension figures – are not especially high in the 2000s: in 2001, there were 349 apprehensions for attempted exit, 1,084 in 2006 and 4,681 in 2012 (Dimitriadi 2013, 24). The third modus – scholarly research – does not assist further; researchers have conducted interviews in Greece and identified aspirations to leave the country but few, if any, have followed interview subjects to establish their actual cross-border movement.

### **Law and policy: the creation of a transit environment?**

Amongst so-called transit countries, Greece is unique with its intricate play of physical, historical, legal, economic and political characteristics, its long and complicated sea border that is difficult to police, and its proximity to Turkey. This section will outline legal attempts to manage migration, which arguably helped create the circumstances that encouraged secondary movement – “transit migration” – out of Greece. In addition, it will consider the extent to which the economic, and in particular labour, conditions played a contributing role in individual decisions to move on.

Law and policy are powerful drivers behind the creation of a transit environment. Law can prevent or facilitate onward migration, as can poorly implemented regulations. The legal and political circumstances in Greece, and the manner in which politicians and authorities sought to manage migration, have been influential in shifting the behaviour of many people arriving on the shores of Greece from the 1970s onwards. For much of the 20th century, Greece relied on an outdated Law of 1929. The arrival of refugees and irregular entrants in the 1980s and the sudden influx of Albanians, together with what has been described as “a hysterical reaction by Greek parliamentarians, the media and society generally”, prompted change (Baldwin-Edwards 2004a). In 1991, the centre-right government of New Democracy introduced stringent new legislation.<sup>5</sup> Greece’s focus at this time was on “aliens” who entered to remain and work, often without permission.<sup>6</sup> There was no distinction between asylum seekers and economic

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<sup>5</sup> Law 1975/1991 on entry, exit, stay, employment, deportation of aliens, procedure for recognition of foreign refugees and other provisions.

<sup>6</sup> This is made clear in the Law’s Preamble: “Suddenly, Greece started to be flooded with aliens, who entering, staying and working illegally, create enormous social problems for the state, while they inevitably try to solve their own problems by engaging in criminality (drugs, robberies, thefts etc.)” (translation, quoted by Baldwin-Edwards (2004a)).

migrants and both were accused of causing numerous problems in Greece (Karyotis 2012). The new Law avoided the question of integration and excluded undocumented migrants from social security provision, education and health care (Antonopoulos 2006). Furthermore, it included an administrative power that enabled Greek police to expel anyone without the requisite permission to remain and this was enthusiastically employed, with over 1 million expulsions by 1995 to countries of origin, such as Albania, Bulgaria, Iraq and Pakistan (Baldwin-Edwards 2004a; Triandafyllidou 2009).

In many regards, Law 1975/1991, which remained in force until 2001, instigated the linkage between migration, criminalisation and securitisation and set the tone of future legislative forays into migration control. For example, Law 2910 of 2001, a major piece of immigration legislation, increased border controls and sanctions, as migration was still regarded as “a public order and national security matter” and the Ministry of Public Order continued to maintain a list of “undesirable aliens” without clarity as to reasons for inclusion (Antonopoulos 2006); “undesirables” could be denied entry, removed to the country of origin or third country, or face three months in prison having entered undetected (Article 49). Critics argue that the 2001 Law exposed the inadequacies of the public administration infrastructure to implement many of the measures and ultimately resulted in encouraging rather than discouraging exploitation and corruption (Kasimis 2013; Antonopoulos 2006; Skordas 2002). It was difficult to obtain the necessary documentation to obtain a temporary residence permit, the “white card”, which increased the vulnerability of many migrant workers.

A contributing factor to the introduction of restrictive legislation was evidence of a dramatic shift in Greek attitudes to “the other”. In 1985, a European Parliament report into the rise of fascism and racism in Europe found that “the native population’s attitude towards ethnic or religious minorities is tolerant and xenophilic and generally free of racial prejudice” (European Parliament Committee of Inquiry into the Rise of Fascism and Racism in Europe 1985, para 110). By the mid-1990s, an increase in xenophobia and racism was in evidence (Gropas and Triandafyllidou 2005) and extremist parties, such as the openly nationalist and anti-immigrant Golden Dawn, were on the rise. Over the years, the Greek government, reacting in part to anti-immigrant discourse, continued to criminalise migrants, extended detention periods up to 18 months in line with EU law and adopted some extreme measures to deal with undocumented non-nationals, one of the most notorious being the ironically named Operation Xenios Zeus.<sup>7</sup>

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<sup>7</sup> The Operation was named after the god of hospitality, Zeus Xenios.



Introduced in August 2012 by the newly-elected centre-right Samaras government,<sup>8</sup> the Operation had three core aims: (i) deterrence of irregular entrants by closing the border with Turkey; (ii) identification of undocumented migrants and removal to their home countries; and (iii) “remaking Athens a city of law and improving the quality of life for residents and visitors” (Human Rights Watch 2013, 13). It led to the round-up and detention of 80,000 migrants by the police, with most of those stopped in the streets being Africans and Asians, and was widely criticised by NGOs such as Human Rights Watch (ProAsyl 2013; Human Rights Watch 2013). In December 2012, a 12.5 kilometre barbed-wire fence between Greece and Turkey was completed.

Not all legislation, however, was wholly focused on sanctions and restrictions, revealing an important feature of Greek management of migration and migrants – the apparent tension between restriction and rights, between deterrence and permission. Thus, there have been several attempts to deal with irregular migrants in the country through regularisation programmes, to simplify immigration processes, and to provide certain rights to children of immigrants, such as the right to education and, in certain circumstances, for children born to immigrants in Greece to apply for citizenship. There have also been some efforts to improve social integration of third-country nationals. Although these inclusive endeavours were often not realised, the contradictory push–pull messages are likely to have created confusion for those reaching Greece. On the one hand, the continued efforts to regularise foreign nationals encourages integration and migration. On the other hand, the continued clampdown and criminalisation of irregular entrants and the long-term linkage of migration to security create a climate of uncertainty and fear, which can prompt secondary migration.

The likelihood of non-nationals deciding to seek alternatives outside Greece was further strengthened by the emergence of a new and complicating challenge – that of asylum. Though Greece had ratified the 1951 UN Convention Relating to the Status of Refugees (Refugee Convention) and the 1967 Protocol and had introduced internal asylum-specific legislation in 1977, which was amended and improved in the early 1990s (Papadimitriou and Papageorgiou 2005), it became known for its ineffective and unfair asylum procedures. This was partly because refugee determination was being handled by the Ministry for Public Order and the police, which were also responsible for controlling irregular entry. The dual role was seen by

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<sup>8</sup> Antonis Samaras was leader of the centre-right New Democracy party (2009–2015) and Prime Minister of Greece (2012 to 2015). He resigned as party leader on 5 July 2015 after the Greek bailout proposals were rejected in a national referendum.

some as a “somewhat contradictory competency” of the Ministry and led to many of the problems that emerged in the 1990s and 2000s (Papadimitriou and Papageorgiou 2005). Initially, the flaws of the Greek asylum system went unnoticed, since until the 1990s few asylum seekers were said to remain in Greece (Papadimitriou and Papageorgiou 2005). Over time, asylum applications began to increase and, once the Dublin system began to operate, asylum claimants were returned to Greece as the first country of entry to the EU, increasing its asylum load; nonetheless, asylum application numbers were relatively low compared to many other EU countries.<sup>9</sup>

It soon became clear that Greece was unable to cope with its asylum responsibilities. The police were insufficiently trained and understaffed; most applications were considered abusive and rejected; the Council of Europe and NGOs criticised Greece for its ill-treatment of asylum seekers; and the EU started to increase pressure on Greece to change its asylum system and to implement Common European Asylum System Directives (Papageorgiou 2013). In 2009, following allegations that Greece had not implemented EU asylum legislation correctly and evidence of unacceptable asylum practices, such as inhumane conditions in detention centres, the European Commission launched an infringement procedure against Greece. In 2011, in the famous case of *MSS v Belgium and Greece*, the Grand Chamber found Greece to be in breach of Article 3 – prohibition against torture, inhuman or degrading treatment or punishment – for its detention and treatment of an Afghan asylum seeker.<sup>10</sup> It also deemed the Greek asylum process to be so poor that it amounted to a breach of Article 13, the right to an effective remedy. Consequently, returns to Greece under Dublin II were held to be unlawful and Member States suspended their removals to Greece in 2011. This was of undoubted assistance to Greece, considering the “systemic deficiencies” of its asylum system.<sup>11</sup> Germany only lifted its suspension in March 2017, and by August 2017 Greece had received 392 return transfer requests from Germany (Zalan 2017). Greece was also urged by European partners to improve its border control, particularly in relation to the migration route from Turkey. This it did in part. It took some time before Greece was prepared to address the myriad problems of its asylum system, which relied on the police to undertake complicated asylum claims and failed to incorporate the EU standards. Both government and police were reluctant to adapt to EU law; the police refused to hand over control for asylum on grounds of national security and change

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<sup>9</sup> For example, 9,310 applications were lodged in 2011, 9,575 in 2012 and 8,225 in 2013 (European Asylum Support Office 2014, Annex C1).

<sup>10</sup> *MSS v Belgium and Greece (Application No 30696/09)*, 21 January 2011.

<sup>11</sup> As per the judgement in *MSS v Belgium and Greece*.

required huge administrative weaknesses to be overhauled (Papageorgiou 2013). The socialist government of 2009 started to respond to NGO and human rights advice, as well as to EU pressure.<sup>12</sup> With EU assistance, financial and practical support, and the development of a National Action Plan on Asylum and Migration Management, the Greek government finally introduced a new asylum law, Law 3907/2011, based on practices of other EU countries. It created a new independent Asylum Service operated by civil servants and trained by refugee law specialists, independent Appeals Committees and a First Reception Service. It sought to harmonise Greek law with EU law, in particular with the Directives on Reception Conditions and Return,<sup>13</sup> and, most significantly, removed the Hellenic police from the new asylum process (Triandafyllidou 2014, 17). To enable the new system to start its work, however, the police remained responsible for processing the backlog of 45,000 asylum claims (Triandafyllidou 2014, 17). The police also remained in charge of registrations on the islands. Any positive impact of these amendments was not particularly immediate, and many protection seekers continued to leave Greece to seek asylum elsewhere.

The rapid increase in arrivals in Greece from 2014 to 2016, due mainly to the conflict in Syria and deteriorating conditions in neighbouring countries, persecution, human rights abuses, and violence, is well documented (Crawley et al. 2016a and b). In fact, numbers of migrants and refugees crossing the Mediterranean had been rising since 2011, but the Eastern Mediterranean became a focus in 2014-2015 (UNHCR 2015a). Frontex<sup>14</sup> reports that in 2013, there were 24,800 illegal border crossings on the eastern Mediterranean route to Greece, rising to 50,800 in 2014 and 885,000 in 2015 before falling back to 182,500 in 2016 and 19,200 between January and September 2017 (European Stability Initiative 2017, 13; International Organization for Migration 2017).<sup>15</sup> In the middle of this period, there was also a huge political shock in Greece. During the election campaigns of 2014 and 2015, SYRIZA, a coalition of the radical left, pledged to reverse many of the contentious asylum and migration policies of previous governments, such as securitisation, criminalisation, detention, push-backs, use of border fences, and the inequities of the Dublin system and, instead, improve human rights,

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<sup>12</sup> The left-leaning Panhellenic Socialist Movement (PASOK) party won the October 2009 general election and George Papandreou was Prime Minister from 6 October 2009 to 10 November 2011, when he resigned and was replaced by Lucas Papademos and a new coalition cabinet.

<sup>13</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers L31/18; Council Directive 2008/115/EC of The European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals L348/98.

<sup>14</sup> Frontex, from 2005 to 2016 the European Agency for the Management of Operational Cooperation at the External Borders, was strengthened in 2016, becoming the European Border and Coast Guard Agency.

<sup>15</sup> Frontex acknowledges that the same person can attempt illegal border crossings many times.

asylum processing and options for citizenship for migrants in Greece (Skleparis 2017). Once in power, in January 2015, the coalition government of SYRIZA and ANEL<sup>16</sup> implemented some immediate changes. Among other things, the coalition has closed detention centres and created open hospitality centres, released those detained for more than six months, made some changes to rules for the deportation of migrants and rejected applicants for asylum, and cancelled Operations Xenios Zeus and Aspida (discussed below) (Skleparis 2017). While this new generosity was short-lived, some commentators claim that it had a part to play in the large-scale migration to, and through, Greece at the time. Nestoras, for example, has argued that, while SYRIZA's approach did not cause the surge in migration across the Mediterranean, "the numbers and trends seem to suggest that there is a correlation between SYRIZA's pro-immigration attitude and the fact that Greece has become, by far, the most preferred entry point in Europe for migrants and refugees from the Middle East" (Nestoras 2015, 13). He does concede, however, that more research is needed to establish any causal link.

Most of the arrivals from 2014 to March 2016 intended to transit through Greece and did not stop to apply for asylum.<sup>17</sup> The reasons for doing so are varied, but it is important to recognise that throughout 2015 the authorities were complicit in driving movement through Greece on to northern countries, in breach of Schengen and Dublin rules. One explanation is that this was an intentional policy by the new government aimed at using the large-scale migration as a bargaining chip in negotiations between Greece and the EU on the bailout (discussed below) (Nestoras 2015). Indeed, various ministers were blatant in their threats. For example, then Greek defence minister Panos Kammenos stated in March 2015:

If they strike us, we will strike them. If they deal a blow to Greece, then they should know the migrants will get papers to go to Berlin. If Europe leaves us in crisis, we will flood it with migrants and it will be even worse for Berlin if in that wave of millions of economic migrants there will be some jihadists of the Islamic State too (Withnall 2015).

What also became very apparent was that Greece was, in any event, unable to register, manage, support and assist the enormous number of people arriving. Cross-border migration continued

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<sup>16</sup> ANEL (Independent Greeks) is variously described as a conservative or right-wing populist party, which makes the coalition a strange marriage. What they share is a hatred of the austerity measures imposed on Greece.

<sup>17</sup> First time asylum applications for Greece are as follows: 2008 (19,885); 2009 (15,925); 2010 (10,275); 2011 (9,310); 2012 (9,575); 2013 (8,225); 2014 (9,430); 2015 (13,205); 2016 (51,110) (Eurostat 2017c). The increase in 2016 is due to the legal and policy changes that year and to the fact that once asylum seekers were effectively trapped in Greece, many more chose to apply for asylum.

until concerted efforts to halt migration were made by the EU and individual states, including Greece.

The role of economic factors in influencing Greece's status as transit country is significant and must be considered alongside legal and policy changes to establish a clearer picture of migration drivers. Greece's economy patently benefited from the time it joined the European Economic Community in 1981 until 2008. Its GDP rose from 1960 to a peak in 2008 prior to the global financial crisis (World Bank 1960–2016). From 2000 to 2007, Greece's growth was above the average of countries in the Eurozone, but it went into recession in 2009 because of the global financial crisis, a burgeoning budget deficit, a credit rating downgrade and the use of substantial loans to prop up GDP growth. The country has subsequently faced years of economic adjustment programmes (bailouts) and introduced tough austerity measures, with dire consequences for the population. In 2013, for example, youth unemployment reached almost 60% and by 2014 unemployment had risen to 27.2%, the highest rate in the EU (Cooper 2013). The consequences for third-country nationals have been equally devastating. The latest bailout programme is due to end in August 2018 and unemployment has dropped to 20.9%, as there has been some growth in the economy (Smith 2018).

Several commentators have discussed the relationship between migration and labour in Greece. Their findings reveal: that legal immigrants in the 1970s from Asia and Africa were employed in “unrewarding” jobs that Greeks were not prepared to undertake (Fakiolas 2000, 2003); the impact of Albanians on the labour market; that irregular migration has long supported the informal economy, estimated at over 25% of GDP between 1997 and 2013 (Schneider and Williams 2013); that migrant workers tend to occupy certain sectors, and often are in temporary and insecure work; and that unemployment rates were relatively low amongst foreign workers, at least until 2009 (Triandafyllidou 2013). Recent global economic events have certainly influenced the decision-making of third-country nationals who reach Greece. As Pratsinakis, Hatziprokopiou and King (2017, 8) note: “the global economic downturn and Greece's escalating debt crisis since 2008 have severely undermined the employment prospects of newcomers, at the same time when increasing financial strain and social difficulties are facing established migrants and natives alike”. These conditions have led to the emigration of significant numbers of Greeks (as noted above), and they have been taken into account in decisions by regular and irregular workers who may have lived in Greece for some considerable time, as well as those seeking asylum.

Legal and policy factors have contributed hugely to the creation in Greece of conditions for migrants and asylum seekers that have been precarious, unwelcoming, exploitative and, at times, abusive. Failures to control borders and the intentional relaxation of restrictions have also facilitated transit northwards. Such external conditions might alone motivate some to migrate further into the EU, but there are also many other influences on decision-making, which are frequently individualised and based on personal circumstances.

### **Drivers and decision-making: interrupted and uninterrupted transit**

Two terms have been adopted in this article to describe the different forms of transit migration – “interrupted transit” and “uninterrupted transit”. With the caveat relating to the limitations of labelling, addressed briefly above, these additional terms have been employed to emphasise that the description of Greece as a transit country is insufficiently nuanced. Interrupted transit refers here to a migration pattern in which the migrant or protection seeker spends time in the country, voluntarily or involuntarily, before attempting to move on. It is evident that the manner of transit during the migration “crisis” differed from that of previous years; formerly, many of those who arrived in Greece often remained for a period, working without documentation and/or applying for asylum, before moving on to other EU countries. This “interrupted” form of transit, where time is spent in a country, contrasted strongly with the “uninterrupted” transit of 2014–mid-2016, in which the country’s territory was entered and exited rapidly, often in a matter of weeks and with the agreement of the authorities.

#### ***Interrupted transit***

Decision-making on transit migration depends on numerous factors, including individual circumstances, family connections in other countries, knowledge and information dissemination, country conditions for non-nationals, employment opportunities, smuggling networks and routes, the ability to cross borders, and increasing individual agency (Squire et al. 2017; Crawley et al. 2016a; Stevens and Dimitriadi 2018). For Greece, one of the most emblematic nationalities that highlights the complexities surrounding “transit” and helps explain the impact of the different drivers on decision-making is that of the Afghans. Afghans have been arriving in Greece and elsewhere in Europe for some time, fleeing extreme violence, human rights abuses and political instability since the late 1970s. They have arrived either shortly after leaving Afghanistan or after spending years in Iran or Pakistan. By the end of 2013, Afghanistan had been the leading source country of refugees for more than 30 years, with 2,556,500 Afghans, closely followed by Syria from which 2,468,300 had fled (UNHCR

2015b). Since 2008, they have comprised the second largest cohort apprehended at Greece's sea and land borders, Albanians being the first (Dimitriadi 2017). Fieldwork conducted by Dimitriadi in 2012 and 2014 revealed that many of her Afghan interview subjects did not consider Greece to be a destination country; rather, the preferred choices were Germany and Sweden, followed some way behind by the UK (Dimitriadi 2015a). One interviewee provided a remarkable statement that succinctly articulates Afghan (and other migrant) perceptions of Greece at that time: "In Afghanistan I had heard that there was a country called Greece and it is like a door; you go through it to get to Europe" (Dimitriadi 2017; 2015a).

Research carried out with the Pakistani and Bangladeshi communities in Greece provides an alternative perspective to transit migration. Akin to the Afghans, Pakistanis and Bengalis have in the past regarded Greece a departure point for the rest of Europe, but many have also considered Greece a destination, particularly in the 2000s. The 2011 census shows over 34,000 Pakistanis residing in Greece and it is known that many have remained in Greece for several years. In two separate research studies, Marouf and Kouki (2017) and Triandafyllidou and Maroukis (2012) arrive at similar conclusions, explaining how their interview subjects migrated to Greece for economic reasons because of poor employment options in Pakistan, though Marouf and Kouki also refer to additional possible factors such as persecution, poverty, insecurity or seeking a better life. The situation has now changed and interview data from both studies reveal that there is rising unemployment amongst Pakistanis in Greece and that many are rethinking their options, including moving on to other EU countries or even returning to Pakistan under IOM's voluntary return programme. Marouf and Kouki attribute this to the Greek recession, together with increasing immigration controls, police checks and the extended pre-removal detention period of 18 months, which cause concern for the undocumented.

For many Afghans, Pakistanis and Bengalis, therefore, transit has been interrupted, either willingly, when work was found and a new living created, or unwillingly, because of lack of funds, migration controls and the prevention of onward travel. Some might consider that they do not fit within the transit migration model. For example, Triandafyllidou and Maroukis (2012, 152) suggest that "recently arrived unemployed Pakistanis, by and large, do not seek a smuggler's service and thus are not regarded as transit migrants". Irrespective of one's standpoint, however, this form of transit through Greece in which time, however long or short, is spent in the country tends to be the norm. During the most recent "migration crisis" a different model has emerged, which is described here as "uninterrupted transit".

### *Uninterrupted transit*

For a short period from 2014 to March 2016, Greece became a country of transit in its truest sense. Studies undertaken verify that few people entering Greece at this time intended to remain. A major international research project, *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences*, in which the author participated, conducted 51 interviews in Kos in September 2015 with 29 Syrians, 9 Afghans, 7 Pakistanis, 3 Iraqis, 2 Bangladeshis, one Gambian and one Iranian.<sup>18</sup> Of these interviewees, only one, from Pakistan, indicated that Greece was his final destination and four were undecided, with the clear majority aiming for Germany, Sweden or the Netherlands (Squire et al. 2017). The team went on to interview 19 Syrians, 10 Afghans and one Iraqi in Athens in the summer of 2016, by which time the ability to cross borders had been restricted, and no one in this sample specified Greece as a destination. Germany was the overwhelming choice, still seen as the most welcoming European country, and Greece was a gateway. A Syrian male interviewed in Athens on 27 May 2016 summed up the situation thus: “The whole EU, specifically Greece is the main door for the EU”. These data are confirmed by other studies. For example, Crawley, Düvell, Jones, McMahon and Sigona (2016b) reported that 16% of interview subjects stated their destination as being Europe rather than a specific country, but, where countries were mentioned, Germany, Sweden and the UK were the top three.

The choice of country was based on a variety of factors, but was often related to friends and/or family living in the country and information they had passed on, reports and networks on social media and the perceived opportunities, especially work opportunities, available in the destination country. Decisions to move on from Greece also took into account the country’s economic problems and difficulties to obtain asylum:

What did I know about Greece? That it is nothing special, a really poor country, as we heard on the news. The economic crisis was stifling; everyone is in debt (Palestinian male from Syria, interviewed in Athens, 29 May 2016).

Some Afghan people who already got asylum in Greece, they suggested to me that I don’t get asylum here. It’s not equal to asylum in Austria, Belgium, Germany. They don’t treat

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<sup>18</sup> See [www.warwick.ac.uk/crossingthemed](http://www.warwick.ac.uk/crossingthemed). In total, 257 semi-structured interviews were conducted with 271 people in seven sites between 2015 and 2016. Those interviewed had crossed – or sought to cross – the Mediterranean without authorisation by EU states. For more detailed discussion of the methodology see Squire 2018 and Stevens and Dimitriadi 2018.



you very well like in those countries. I will try to wait more. I will not feel better here (Afghan male, interviewed in Athens, 7 July 2016).

It was clear to researchers on the *Crossing the Mediterranean Sea* project that the Syrians, in particular, were in a hurry. They were anxious to obtain papers from the Kos police to enable them to travel by ferry to Athens and then onward by bus or taxi to the Greek–Macedonian border. At that time, this was facilitated and Syrians were prioritised and received permission from the police to depart much quicker than other nationalities (Squire et al. 2017). However, this effective encouragement of rapid cross-border movement was not to last as the EU scrambled to bring a halt to migration into Greece via land and sea and transit became interrupted once more or stopped altogether.

### **Closing the door to transit**

Given Greece's significance on the migration route, various efforts have been to address the issue of transit. The fact that Europeans, Asians, Africans and people from the near and Middle East have been able to gain entry to Greece in large numbers over decades has been of considerable concern to EU Member States and, as stated, Greece has been consistently criticised for its porous borders, poor asylum system and its failure to prevent entry and exit to the rest of the EU space. Indeed, the EU has on many occasions urged Greece, long identified as a weak link in “fortress Europe”, to manage migration better and improve its surveillance and control of its land and sea borders so as to halt transit migration. A binary approach was initially adopted: (i) the provision of assistance and support from the EU; and (ii) the expectation that Greece would address the perceived issues through national law and policy.

The support of the EU has been mainly in the form of financial assistance, until recently when Frontex, Europol and the European Asylum Support Office have played a greater role in addressing migration to Greece. The EU's financial contribution to Greece's management of migration, asylum and borders has been substantial (see Angeli, Dimitriadi and Triandafyllidou 2014), yet progress has not always been as expected. In September 2011, for example, exasperated EU officials threatened to suspend Greece's participation in the Schengen Agreement if there were not substantial improvements to border control.<sup>19</sup> Operation Aspida was one outcome. In August 2012, at the instigation of and funded by the EU, Greece deployed about 1,800 border guards to the Greek–Turkish land border near the Evros river. Detention centres were built and work also commenced in the summer of 2012 on a 12.5 kilometre

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<sup>19</sup> This threat was again made at the peak of the “migration crisis” of 2015 and 2016.

barbed-wire fence, at the cost of €3m, which was completed in December 2012. The effect was dramatic; the Chief of Police of Orestiada, a town on the border, announced that, in July 2012, 6,500 irregular migrants had been arrested, 1,800 in August, 71 in September, 26 in October, and none in November (ProAsyl 2013). Since the start of 2015, more financial support has been given, with the EU pumping more than €1.3 billion to Greece to support migration management (European Commission 2018).

The election of SYRIZA created problems for an EU intent on ending the migration flows of 2015. As indicated, SYRIZA campaigned on pro-immigration and open-border policies and, once in power, arguably exploited the migration situation for political purposes. The EU eventually obtained agreement from Greece to the enhanced operation of Frontex on its territory and, with a range of different policies, succeeded in stemming the flow into Greece. Among the policies were: sharing the burden with Italy and Greece through relocation quotas; a Joint Action Plan agreed in October 2015 with Turkey, followed by the EU–Turkey Statement of 18 March 2016, with its aim of stopping the travel by sea of people from Turkey to the Greek islands, a core feature of which was the return to Turkey of all irregular migrants crossing the eastern Mediterranean after 20 March 2016; and the establishment of the European Border and Coast Guard Agency in October 2016. Some of these initiatives have been more effective than others; for example, by November 2017, of an initial plan in 2015 to relocate 160,000 asylum seekers to other EU Member States, only 21,238 have been relocated from Greece and 10,265 from Italy (European Commission 2017).

With the closure of the Western Balkan route, the implementation of the EU–Turkey Statement and EU threats that Greece would be forced to withdraw from Schengen, the SYRIZA/ANEL coalition government was no longer able to turn a blind eye to migration through Greek territory to Europe. It too introduced tighter border controls and improvements to migration and asylum management. Thus, Law 4375/2016 brought into effect new fast-track procedures, which transposed the recast EU Asylum Procedures Directive of 2013 into Greek law.<sup>20</sup> Alongside emergency camps established on the mainland, the “hotspot” scheme was introduced with the full support of the European Commission. These “reception and identification centres” on the islands of Lesbos, Chios, Samos, Leros and Kos serve as facilities to identify, fingerprint, register and process migrants and refugees and were set up to detain

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<sup>20</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) L180/60.

people and prevent their movement onwards to the mainland and into the rest of Europe.<sup>21</sup> There is some question as to the legality of the emergency camps and “a lack of a clear management and referral system, and hence a lack of accountability, transparency, regulation and monitoring” (RSA/ProAsyl 2017, 5). Hotspots were supposed to work together with the EU’s relocation scheme, but failure to transfer sufficient numbers has maintained pressure in Greece; there are currently over 13,000 men, women and children contained on the islands (Human Rights Watch 2018). Reception conditions have given rise to grave concerns and appear not to meet minimum criteria for asylum applicants as required under EU and human rights law (RSA/ProAsyl 2017). Equally, the closure of the Western Balkan route has trapped migrants and refugees who have succeeded in reaching Athens but are now unable to move easily across the Macedonian border or find alternative border crossings. Informal reports suggest that Greece and Germany have agreed to slow down family reunification and those in Greece are, therefore, unable to reunite with family members in Germany and remain stuck (Ioannou 2017).

Unimpressed by EU and Greek efforts to stop transit, certain European countries have decided to adopt their own measures to prevent migration through their territories. In the summer of 2015, some EU countries that were part of the Schengen visa-free area rapidly erected walls and fences along their borders and introduced their own stringent new legislation that criminalised irregular entrants and accelerated the removal of those on the move. Hungary is the prime example of and Prime Minister Orbán has maintained the anti-migration rhetoric, basing his party’s successful 2018 election campaign on the threat of migration and his unique ability to stop it (Walker 2018). By July 2016, FYROM, Croatia and Slovenia had also introduced border restrictions and no longer allowed migrants and asylum seekers to cross their borders with Greece.<sup>22</sup>

The combination of these recent measures and initiatives has turned Greece from a country of “transit” to one of “containment”, even entrapment, especially on the islands. Yet, attempts are

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<sup>21</sup> Article 14 of Law 4375/2016 states that people can be held in the reception and identification centres for up to 25 days during which they cannot leave the centre. In practice, after 25 days has passed, the General Regional Police Director of each island imposes a “geographical restriction” prohibiting anyone from leaving the island until any asylum application has been examined. Currently, this can be a long period without a definite end. There are exceptions for the vulnerable and those requiring more complex medical treatment, who are transferred to the mainland (AIDA 2016, 25; European Parliament Directorate General for Internal Policies 2017, 18).

<sup>22</sup> FYROM closed its border with Greece on 8 March 2016; Slovenia and Croatia introduced border restrictions, requiring those crossing into their territory to hold valid ID cards, passports and Schengen visas. Slovenia applied an exception to those claiming asylum and refugees on humanitarian grounds, in accordance with Schengen rules.

still made daily to leave Greece and cross the Greek–Macedonian border clandestinely by train or as stowaways on ferries from the port of Patras to Italy (Avramidis 2017; Tagaris 2018). The transit dream, though severely diminished, is still alive for many.

## **Conclusion**

For some time, EU policy-makers, the Greek government, NGOs and commentators, as well as those on the move, have identified Greece as a route to an alternative place with greater welcome and opportunity and where hope might be fulfilled. To understand the reasons why people transit through Greece, this article has set out the legislative and policy contexts of immigration and asylum in Greece. It has been argued that Greece's approach to asylum and inward migration has been crucial in its identification as a country in which transit migration occurs. Indeed, law and policy can be regarded as significant drivers in the creation of its transit country status. They highlight several important factors impacting the choices that migrant and protection seekers made about whether to stay in Greece or to move on; among others, these include: failure to deter new arrivals as anticipated by the EU and Greek government; an increase in police round-ups, sometimes lengthy periods of prison detention, and deportations; the exposure of entrenched administrative and infrastructural shortcomings; abuse and exploitation of migrants and asylum seekers; an arbitrary asylum system; shockingly low success rates for asylum claimants in comparison to other EU countries; and failure to integrate many migrants fully. Further, international and domestic human rights organisations and pro-migrant and refugee groups continue to report on serious rights infringements, many of which are due to police action and state failings (for example, Human Rights Watch 2013, Médecins Sans Frontières. 2014, Amnesty International 2016). Even when the government sought to improve the situation, as evidenced by the introduction of numerous legislative measures, Greek bureaucracy at both national and local levels frequently interfered and prevented effective change.

Whereas law and policy, and the hostile or hospitable environment which they can help facilitate, are crucial to secondary migration decisions, so too is the economy. An interesting feature of Greece is how it reveals the very personal nature of migration decision-making. Although the possibility of work still existed for both documented and undocumented migrants, some third-country nationals chose to stay in Greece, notwithstanding their vulnerability on account of irregular legal status, while others moved on. One of the effects of the financial crisis of 2008 was an increase in unemployment for nationals and non-nationals alike and, unsurprisingly, this has influenced migration decisions for both cohorts. Certain groups of

migrants and asylum seekers, including those based in Greece for some time, are once more considering renewed migration to another EU country or a return to their country of origin. This can be labelled “interrupted transit” in contrast to the largely “uninterrupted transit” of 2014–mid-2016, when people moved through Greece rapidly and initially without hindrance, supported by the political motivations of the recently elected radical left SYRIZA party. Their reasons for doing so were often complex, reinforcing the conclusion that not only are there intersecting drivers and conditions of flight in which journeys are fluid and fragmented (Squire et al. 2017) but that transit decisions and choice of final destination are equally multi-layered and individualised. Since March 2016, however, Greece has faced a new period in its migration history involving the management of containment and the implementation of its new asylum law and of the EU–Turkey Statement, which includes the power to remove substantial numbers of people to Turkey. The changes brought by this new migration phase are proving difficult for the state and its agents to implement and inadequate, even dangerous, for those who find themselves “stuck in transit” (Missbach 2015).

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